



House of Representatives

General Assembly

File No. 279

January Session, 2001

House Bill No. 6775

House of Representatives, April 12, 2001

The Committee on Labor and Public Employees reported through REP. DONOVAN of the 84th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CLARIFYING THE DEFINITION OF WILFUL MISCONDUCT UNDER THE UNEMPLOYMENT COMPENSATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of subsection (a) of section 31-236 of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof:

4 (2) (A) If, in the opinion of the administrator, the individual has left
5 suitable work voluntarily and without good cause attributable to the
6 employer, until such individual has earned at least ten times such
7 individual's benefit rate, provided whenever an individual voluntarily
8 leaves part-time employment under conditions [which] that would
9 render the individual ineligible for benefits, such individual's
10 ineligibility shall be limited as provided in subsection (b) of this
11 section, if applicable, and provided further, no individual shall be
12 ineligible for benefits if the individual leaves suitable work (i) for good
13 cause attributable to the employer, including leaving as a result of

14 changes in conditions created by the individual's employer, (ii) to care
15 for a seriously ill spouse or child, or parent domiciled with the
16 individual, provided such illness is documented by a licensed
17 physician, (iii) due to the discontinuance of transportation, other than
18 the individual's personally owned vehicle, used to get to and from
19 work, provided no reasonable alternative transportation is available,
20 or (iv) to protect the individual or a child domiciled with the
21 individual from becoming or remaining a victim of domestic violence,
22 as defined in section 17b-112a, provided such individual has made
23 reasonable efforts to preserve the employment, but the employer's
24 account shall not at any time be charged with respect to any voluntary
25 leaving that falls under subparagraph (A)(iv) of this subdivision; or (B)
26 if, in the opinion of the administrator, the individual has been
27 discharged or suspended for felonious conduct, conduct constituting
28 larceny of property or service, the value of which exceeds twenty-five
29 dollars, or larceny of currency, regardless of the value of such
30 currency, wilful misconduct in the course of the individual's
31 employment, [just cause,] or participation in an illegal strike, as
32 determined by state or federal laws or regulations, until such
33 individual has earned at least ten times the individual's benefit rate;
34 provided an individual who (i) while on layoff from regular work,
35 accepts other employment and leaves such other employment when
36 recalled by the individual's former employer, (ii) leaves work [which]
37 that is outside the individual's regular apprenticeable trade to return
38 to work in the individual's regular apprenticeable trade, (iii) has left
39 work solely by reason of governmental regulation or statute, or (iv)
40 leaves part-time work to accept full-time work, shall not be ineligible
41 on account of such leaving and the employer's account shall not at any
42 time be charged with respect to such separation, unless such employer
43 has elected payments in lieu of contributions.

44 Sec. 2. Subdivision (16) of subsection (a) of section 31-236 of the
45 general statutes is repealed and the following is substituted in lieu
46 thereof:

47 (16) For purposes of subparagraph (B) of subdivision (2) of this
48 subsection, "wilful misconduct" means deliberate misconduct in wilful
49 disregard of the employer's interest, or a single knowing violation of a
50 reasonable and uniformly enforced rule or policy of the employer,
51 when reasonably applied, provided such violation is not a result of the
52 employee's incompetence and provided further, in the case of absence
53 from work, "wilful misconduct" means an employee must be absent
54 without either good cause for the absence or notice to the employer
55 which the employee could reasonably have provided under the
56 circumstances for three separate instances within an eighteen-month
57 period. [and "just cause" means a single act of wilful misconduct in the
58 course of an individual's employment which seriously endangers the
59 life, safety or property of the individual's employer, fellow employees
60 or the general public.] For purposes of subdivision (15) of this
61 subsection, "temporary help service" means any person conducting a
62 business [which] that consists of employing individuals directly for the
63 purpose of furnishing part-time or temporary help to others; and
64 "temporary employee" means an employee assigned to work for a
65 client of a temporary help service.

LAB *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost (Unemployment Compensation Fund)

Affected Agencies: Department of Labor

Municipal Impact: None

Explanation**State Impact:**

The bill clarifies that an instance of absence from work only constitutes willful misconduct when the employee is absent without good cause or fails to provide the employer with reasonable notice of the absence and is disqualified from unemployment compensation.. The bill eliminates the term “just cause” from the definition of willful misconduct because it is no longer necessary in light of recent changes in the definition of willful misconduct. The term just cause means one instance of willful misconduct. Present law requires one instance for ineligibility. This change will enable an individual to have 3 instances of being absent from work and not providing a notice to their employer and still be eligible for unemployment compensation. The Department of Labor estimates that there will be around 15 additional individuals eligible for unemployment compensation from this change from one to three instances.

OLR Bill Analysis

HB 6775

AN ACT CLARIFYING THE DEFINITION OF WILFUL MISCONDUCT UNDER THE UNEMPLOYMENT COMPENSATION ACT.**SUMMARY:**

By law, employees fired for willful misconduct are ineligible for unemployment compensation. Currently, a claimant fired for willful misconduct based on absence can be denied benefits only if he is absent "without notice" in three separate instances within 18 months. This bill eliminates the requirement that the absences be "without notice" and requires instead that such absences be either without good cause or without notice to the employer that the employee could reasonably have provided under the circumstances.

It also eliminates being fired for "just cause" as a disqualifying circumstance for unemployment compensation, which appears to be a technical change.

EFFECTIVE DATE: October 1, 2001

WILLFULL MISCONDUCT

Currently, a claimant cannot collect unemployment compensation if he is fired or suspended for, among other things, willful misconduct (deliberate misconduct in willful disregard of the employer's interest or a single knowing violation of a reasonable rule, provided such violation is not a result of the employee's incompetence) or just cause (a single act of willful misconduct in the course of an individual's employment that seriously endangers the life, safety, or property of the individual's employer, fellow employees, or the general public).

Prior to October 1, 1995, "willful misconduct" needed to be repeated in order to be disqualifying whereas "just cause" required only a single act. But since October 1, 1995, the requirement that "willful conduct" be repeated was eliminated. Thus, eliminating "just cause" as a

disqualifying circumstance appears technical.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Report

Yea 14 Nay 0